

### **REMARKS/ARGUMENTS**

Pending claims 43-49 and 57-60 stand rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,273,535 (Inoue) in view of U.S. Patent No. 5,604,227 (Starkweather) and further in view of U.S. Patent No. 6,477,318 (Ishii). Applicants respectfully traverse the rejection. With regard to claim 43, the Office Action concedes that Inoue does not disclose developing a device profile based at least in part on the conditions of image capture. Instead, the Office Action purports to rely on Starkweather for such a teaching. However, Starkweather does not teach or suggest developing a device profile based at least in part on the conditions of image capture.

Furthermore, neither Inoue or Starkweather teach or suggest forming an image file including the graphical object and the device profile that is then transferred from the imaging device. In this regard, Inoue teaches that image data and image additional information are located in separate memories. Furthermore, Starkweather nowhere teaches or suggests formation of such an image file including a graphical object and a device profile. Nor does this combination teach or suggest transferring an image file including the device profile from an imaging device because neither Starkweather nor Inoue teach or suggest the claimed device profile. Accordingly, claims 43-49 and 57-60 are patentable, at least for this reason.

Also, there is no motivation to combine Inoue with Starkweather. In this regard, Starkweather is a system for calibrating image data between a color display and a color printer. There is no teaching or suggestion to use its calibration system for image capture devices.

Nor does the inclusion of Ishii with Inoue and Starkweather teach or suggest dynamically generating a profile by transferring the image file (including the graphical object and device profile) from the imaging device. Instead, Ishii teaches storing color space data and image data in the imaging device itself. Thus Ishii fails to teach the claimed dynamic generation.

Accordingly for at least these reasons independent claims 43 and 57 are patentable over the proposed combination. For at least the same reasons, claims 44-49 and 58-60 depending therefrom are also patentable.

As to new claims 61-68, the cited art nowhere teaches or suggests receiving a file with image data and device profile information from an imaging device and comparing at least part of this information to at least part of prior received device profile information. Accordingly, these claims are also patentable over the cited art.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (ITL.00055US).

Respectfully submitted,

Date: \_\_\_\_\_

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